

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.OP.Nos.11869 & 11874 of 2019
and CRL.M.P.Nos.6443 & 6146 of 2019

1.M/s.Tako Mega Constructions,
Rep. by Authorized Signatory Mr.Yong Cheori Kim,
No.104, SPH Road, Pollivakkam Village,
Thiruvallur District.

2.Kim,
Authorized Signatory,
M/s.Tako Mega Constructions,
No.104, SPH Road, Pollivakkam Village,
Thiruvallur District.

... Petitioners in both Crl.O.Ps.

Vs.

M/s.Bhagwandas Metals Ltd.,
Rep. by Mr.Saravanan
No.61, Sembudoss Street,
Chennai - 600 001.

.... Respondent in both Crl.O.Ps.

COMMON PRAYER: Criminal Original Petitions filed under Section 482 Cr.P.C., to stay the operation and recall the Non Bailable Warrant dated 25.04.2019 issued in C.C.No.2373 of 2016 and C.C.No.2252 of 2016 respectively by the VII Metropolitan Magistrate Court, George Town, Chennai - 1.

For Petitioners
in both Crl.O.Ps. : Mr.S.L.Sudarsanam

COMMON ORDER

These Criminal Original Petitions have been filed to stay the operation and recall the Non Bailable Warrant dated 25.04.2019 issued in C.C.No.2373 of 2016 and C.C.No.2252 of 2016 respectively by the VII Metropolitan Magistrate Court, George Town, Chennai - 1.

2. These petitions have been filed challenging the Non-Bailable Warrants issued by the Trial Court. It is seen that the petitioners herein had already filed quash petitions before this Court in Crl.OP. Nos.23577 of 2016 & 23578 of 2016 as against the complaints filed by the respondent herein in C.C.No.2252 of 2016 and C.C.No.2373 of 2016 before the trial Court and obtained interim orders of stay and dispense with personal appearance before the trial Court. The above interim orders of this Court were extended from time to time and on 19.01.2018, this Court was pleased to extend the interim orders until further orders passed in the main petitions.

3. It is seen that though the petitioner has filed a Memo informing the case status and also the interim orders granted by this Court, the trial Court without considering the same, has issued Non Bailable Warrants against the petitioners in C.C.No.2252 of 2016 and C.C.No.2373 of 2016 on 25.04.2019. Challenging the same, the present Criminal Original Petitions have been filed.

4. Heard both sides and perused the materials available on record.

5. Considering the facts and circumstances of the case and also the interim orders already granted by this Court which are still in force viz., interim stay and dispensing with the personal appearance of the petitioner before the trial Court, this Court is of the view that the learned Magistrate ought not to have issued the Non Bailable Warrants against the petitioners. Therefore, the Non-Bailable Warrants issued by the learned VII Metropolitan Magistrate, George Town, Chennai in C.C.No.2373 of 2016 in Crl.O.P.No.25378 of 2016 and in C.C.No.2252 of 2016 in Crl.O.P.No.25377 of 2016 are set aside.

6. It is made clear that the trial Court shall keep the matter pending till the disposal of the main quash petitions pending before this Court in Crl.O.P.Nos.25377 and 25378 of 2016.

7. With the above observation and directions, these Criminal Original Petitions are allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VI)

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Sub Assistant Registrar

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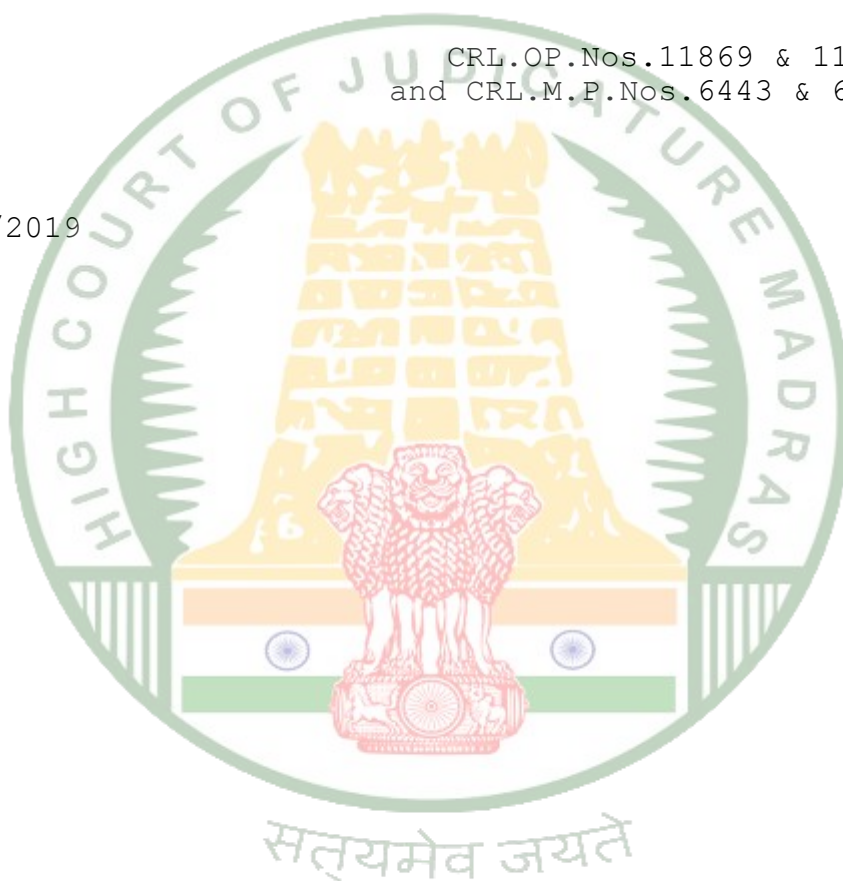
To

The Metropolitan Magistrate,
The VII Metropolitan Magistrate Court,
George Town,
Chennai - 1.

+2cc to Mr.S.L.Sudarsanam, Advocate Sr.42587

CRL.OP.Nos.11869 & 11874 of 2019
and CRL.M.P.Nos.6443 & 6146 of 2019

srg 02/07/2019



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